FOR MYSORE STATE

Food and Agriculture (1950) Department.

Ms. SERIES.

G.O. NO. 200

200

Dated 1.2.50

[Despatch Abstract.]

Acts and Rules -- The Sugar Factories Control Act, 1949 — Section 6(1) - Applicability to Cottage industries - Press note issued - Papers recorded

R. SUNDARESA MUDALIAR .

Salem Junction,
27-12-1949.

To

The Deputy Secretary to Government,

Food and Agricultural Department,

Madras.

Sir,

Ref: G.O. Ms. No.1696, Food and Agriculture, dated 13-12-49 notified in the Fort. St. George Gazette dated 20-12-49, under the heading "Licence for crushing sugar cane".

With reference to the above I request you to kindly let me know if the word 'Factory' applies also to the cottage industries which manufacture jaggery and brown sugar from sugarcane with the help of crushers driven by power and bullocks.

Thanking you for an early reply.

Yours faithfully,

sd. R. sundaresan.

v.n.m.
10/6/

Please reply immediately.
We might also issue a
Press note as there seems to
be a misapprehension about
this.

N.K. (Umaraya)
29.12.49

Compared R.Kothandaraman.
N. Raghavan.

3

FOOD AND AGRICULTURE DEPARTMENT.

Memorandum No.65375 P/49-2 dated 6th January 1950.

Sub: ACTS AND RULES - Madras Sugar Factories - Control Act - 1949, Licence under section 6.

Ref: From Sri R. Sundaresa Mudaliar, Salem, dated 27--12-1949.

Sri R. Sundaresa Mudaliar is informed that a cottage industry will not be a factory unless all the three conditions specified below are satisfied:-

(1) ten or more persons should be working or should have been working in the premises on any day of the preceding 12 months;

(2) the manufacturing process connected with the production of sugar should be carried on by means of vacum pans;

(3) such manufacturing process should be carried on or should ordinarily be carried on with the aid of power.

If any one of these conditions is absent in the case of a cottage industry it will not be a factory for the prupose of taking out a licence under the Madras Sugar Factories Control Act, and if all the three conditions mentioned above are present, then a licence under the Act is necessary.

To

Sri R. Sundaresa Mudaliar,

Salem Junction.

/true copy/

v.n.m.10/6/

Compared N. Raghavan. 7/6.

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PRESS NOTE NO.18

Dated 13-1-50.

Under the Madras Sugar Factories Control Act, 1949, no sugarcane shall be crushed in any factory unless a licence for that purpose has been obtained in respect of that factory from the Government on and after a date to be notified by Government. The Government have accordingly notified 13-1-50 as the date by which a licence should be obtained by factories situated in the districtsof Vishakhapatnam, East Godavari, West Godavari, Krishna, Bellary, South Arcot, North Arcot, Salem, Coimbatore, Tiruchirapalli, Mathurai, Chingleput and Tanjore.

A doubt has arisen whether the word 'Factory' occuring in the Act applies to a cottage industry where manufactureof jaggery and brown sugar is carried on with the help of crushers driven by power or bullocks. The government wish to state that a cottage industry will not be a factory unless the following conditions are satisfied:-

(1) ten or more persons should be working or should have been working in the premises on any day of the preceding 18 months.

(2) the manufacturing process connected with the production of sugar should be carried on by means of vacuum pans;

(3)such manufacturing process should be carried on or should ordinarily be carried on with the aid of power;

If any of these conditions is absent in the case of a cottage industry, it will not then be a factory. If all the three conditions mentioned above are present, then a licence under the Madras Sugar Factories Control Act is necessary.

(TRUE COPY)

Compared R.Rohwapani 1/6.

N. Raghavan.

Note file

FOOD AND AGRICULTURE (P) Dept.

Sub: ACTS AND RULES - The Madras Sugar Factories Control Act, 1949 - Section 6 (1) - Licence for crushing Sugar cane.

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Ref: From Sri R. Sundaresa Mudaliar, Dated 27-12-1949.

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Extract of D.S.'s orders at p.l. e.f.

Please reply immediately. We might also issue a press note as there seems to be a misapprehension about this. U.F. (Umarayya) 29-12-49.

To D.S.

Please see the letter from one Sri R. Sundaresa Mudaliar at p.l. eff. He requests whether the word "Factory" applies also to the industries which manufacture jaggery and brown sugar from sugarcane with the help of crushers driven by power and bullocks.

The term "Factory" is defined in section 2(e) of the Madras Sugar Factories Control Act as any premises, including the precincts thereof, in which any manufacturing process connected with the production of sugar by means of vacuum pans is being carried on or is ordinarily carried on with the aid of power. The licensing provisions of the Act have been applied to 13 districts mentioned in the notification issued in G.O. Ms. No.1606, Food and Agriculture, dated 13-12-49. It is the intention of the government that the sugar factories which exist in some of these districts should take out licences for crushing sugarcane for the manufacture of sugar and that no licences need be taken out by cottage industries such as the one referred to at p.l. e.f. For Orders, whether the position may be explained to the petitioner.

It is also for orders whether a Press Note may be issued on the lines 'A' above.

3. Legal may please see for remarks.

Legal Department.

Whether or not any cottage industry of the type mentioned in the file falls within the scope of the definition of 'Factory' in Madras Act XX of 1949 is a question of fact. It will not be a factory unless all the 3 conditions specified below are satisfied:-

(1) ten or more persons should be working, or should have been working in the premises on any day of the preceding 12 months;

(2) the manufacturing process connected with the production of sugar should be carried on by means of vacum pans;

(3) such manufacturing process should be carried on or should ordinarily be carried on with the aid of power.

If any of these is absent in the case of a cottage industry, it will not be a factory and the notification at J will not apply.

2. If all the 3 conditions above are present, then it will be a factory as defined in the Act. In such a case the government have no power to exempt them from the provisions of the Act by means of an executive order. The best course to meet such cases is to make power by a rule under s 17 (3) (b) to grant them a licence on payment of a nominal fee, and prescribe a simpler form of application in their cases.

Legal U.O.Note.
17691/49 -1
3-1-50
4-50 p.m.

Compared Rukmani and draft 3/6.
N. Raghavan.

Food and Agriculture Dept

To D.S.

Please see the legal department note above.

S. In the letter at p.1. e.f. reference has been made to cottage industries where manufacture of jaggery and brown sugar is carried on with the help of crushers driven by power and bullocks. The three conditions mentioned in para 1 of the legal note at p.S. above may not be present in a cottage industry. Sri R. Sundaresa Mudaliar may be informed that if any of the above three conditions is absent in the case of a cottage industry it will not be a factory for the purposes of the Madras Sugar Factories Act and if, however, all the three conditi ns are present a licence under the Act is necessary.

3. The question of framing a rule under section 17 (1 (b) as suggested by Legal at 'K' on p.S. above may be taken up if any licence is applied for by any cottage industry in which the three conditions are present. In the meantime a draft Press note on the lines of the legal note is submitted below for consideration.

Yes.

4. The case may be sent to the P.W. (.I. & P) for acceptance of the draft Press note, before circulation.

P.W. (I. & P.)

Food & Agri. U.O. Note 65355/49-1 7-1-50

The draft press note placed below may be perused and the case returned to Food and Agriculture Department.

Food and Agriculture. (P)

P.W. (I & P.)n.o. 196/50-1- 9-1-50

D.S.

The draft press note below may be circulated to H.M. (Agri), H.M. (P.W.D.& H.Pr. for approval.

The Press note below may be issued.

Compared R.R.Kothandaraman & Co.

H.M . (AGRI) 10/1/

H.M. (P.W.) 11/1/

H.Pr. 18-1-

D.S. (orders at the bottom of p.S. above.)

The case may hm new be sent to P.W. (I & P) for issue of the draft press note below:

P.W. (I.& P.) Deptt.

The press note has been issued. The file may be returned to the feed and Agriculture depatment.

Food & Agri.
U.O. .68575
p-25 -4
18-1-50.

Feed and Agriculture.

To D.S.

P.W. (I.&P) note above may be perused.

2. The press note has been despatched to the D.A. the collectors of East Godavari, West Godavari Krishna, Bellary, South Arcot, North Arcot, Salem Coimabtore, Tiruchirappalli, Mathurai, Chingleput and Tanjore Dts. with copy to the Board of Revenue (C.S.) Registrar of Cooperative Societies, and the Director of Industries.

3. No further action seems called for on this. The papers may now be recorded as a G.O. M.S.

G.O. Ms. No.800 d/1-2-50.

ACTS AND RULES - The Madras Sugar Factories Control Act 1949, Section 6 (1) - Applicability to cottage industries Press note issued : Papers recorded

True copy/

v.n.m. 10/6/

SUPERINTENDENT.

R. Rohatgi 10/6.

N. Raghavan.